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REHEARING DEC 15 2003

ORIGINAL

## BEFORE THE ARIZONA CORPORATION COMMISSION

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MARC SPITZER  
Chairman  
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MIKE GLEASON  
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KRISTIN K. MAYES  
Commissioner

2003 NOV 24 P 4: 22

AZ CORP COM  
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IN THE MATTER OF

DOCKET NO. S-03482A-03-0000

INTERSECURITIES, INC.  
570 Carillon Parkway  
St. Petersburg, FL 33716-1202  
CRD #16164

## MOTION TO RECONSIDER

Arizona Corporation Commission

DOCKETED

NOV 24 2003

GREGORY RUSSELL BROWN and JANE  
DOE RUSSELL, husband and wife  
16417 South 15th Drive  
Phoenix, AZ 85045  
CRD #2233684

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CM

Respondents.

Respondent InterSecurities, Inc. ("ISI") respectfully requests the Commission to reconsider the procedural order issued by the Administrative Law Judge ("ALJ") on November 10, 2003. The ALJ denied ISI's Motion for Jury Trial. The authorities cited in the Motion for Jury Trial and the reply thereto were well taken, and ISI will not repeat those arguments. Rather, ISI directs the Commission to the lengthy pleadings filed in connection with the Motion.

ISI requests that the Commission determine that ISI is entitled to a jury trial regarding the damages and administrative penalty claims made by the Division, and that the Commission dismiss those claims because it cannot presently conduct a jury trial. See Tull v. United States, 481 U.S. 412, 417, 107 S.Ct. 1831, 1835 (1987); Granfinanciera, S.A. v. Nordberg, 492 U.S. 33, 51, 109 S.Ct. 2782 (1989); and Rothweiler v. Superior Court, 100 Ariz. 37, 42, 410 P.2d 479, 483 (1966). If the Division wishes to proceed with the damages and administrative penalty


1 claims, the Commission should direct the Division to bring those claims in a forum where ISI can  
2 have its constitutionally-guaranteed jury trial.

3 RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of November, 2003.

4 FOWLER WHITE BOGGS BANKER P.A.  
5 Burton W. Wiand  
6 501 East Kennedy Blvd., Suite 1700  
7 Tampa, Florida 33602

8 AND

9 ROSHKA HEYMAN & DeWULF, PLC

10 By   
11 Alan S. Baskin  
12 Laura Schoeler  
13 One Arizona Center  
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16 Attorneys for Respondent  
17 InterSecurities, Inc.

18 ORIGINAL and 13 COPIES of the foregoing  
19 hand-delivered this 24<sup>th</sup> day of November, 2003 to:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 West Washington Street  
23 Phoenix, AZ 85007

24 COPY of the foregoing hand-delivered  
25 this 24<sup>th</sup> day of November, 2003 to:

26 Matthew Neubert  
27 Director of Securities  
Securities Division  
Arizona Corporation Commission  
1300 W. Washington Street  
Phoenix, AZ 85007

1 Philip J. Dion III, Esq.  
2 Administrative Law Judge  
3 Arizona Corporation Commission  
4 1200 W. Washington Street  
5 Phoenix, AZ 85007

6 Pamela Johnson  
7 Securities Division  
8 Arizona Corporation Commission  
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10 Phoenix, AZ 85007

11 COPY of the foregoing mailed  
12 this 24<sup>th</sup> day of NovemberOctober, 2003 to:

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17 *Attorneys for Gregory Russell Brown*  
18 *and Karen Brown*

19 

20 intersecurities.acc/pld/motion for reconsideration.doc